

1 Presented to the Court by the foreman of the
2 Grand Jury in open Court, in the presence of
3 the Grand Jury and FILED in the U.S.
4 DISTRICT COURT at Seattle, Washington.

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6
7 May 31 20 23
8 By Ravi Subramanian, Clerk
9 Deputy

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11
12 UNITED STATES DISTRICT COURT FOR THE
13 WESTERN DISTRICT OF WASHINGTON
14 AT SEATTLE
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16

17 UNITED STATES OF AMERICA,
18 Plaintiff

19 NO. **CR 23 - 090 JHC**

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21
22 INDICTMENT

23 v.

24
25 3. JAHRI ASAD CUNNINGHAM
26 aka Ale Cartel
27 aka Ale Cartell
aka Minah Cunning,

28 Defendants.

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30 The Grand Jury charges that:

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COUNTS 1-19

(Wire Fraud)

A. Overview

1. From about June 2020 until February 2022, Defendants

JAHRI ASAD

CUNNINGHAM,

and others known and unknown to the Grand Jury,

8 fraudulently sought more than \$6.8 million, and obtained more than \$3.3 million, from
9 various federally-funded COVID-19 pandemic relief programs. They used the funds
10 intended to assist individuals and businesses suffering from the economic impacts of the
11 pandemic for extravagant expenses such as luxury cars, lavish trips, cosmetic surgery,
12 jewelry, and designer goods.

2. Defendants' scheme targeted the following COVID-19 pandemic relief

14 programs: U.S. Department of Treasury's Emergency Rental Assistance program
15 administered through Washington State grant programs and King County Eviction
16 Prevention and Rental Assistance Program (EPRAP); the Paycheck Protection Program
17 (PPP) administered by the U.S. Small Business Administration (SBA); the Economic
18 Injury Disaster Loan (EIDL) Program administered by SBA; and federally-funded
19 COVID-19 unemployment benefits administered through various state workforce
20 agencies, including those in California, South Carolina, and Nevada.

3. orchestrated the scheme and artifice to defraud.

22 CUNNINGHAM, used their own identities,
23 including numerous aliases and the identities of others, to submit multiple fraudulent
24 applications to various programs. and

received kickback payments for fraudulently obtained benefits.

26 created and submitted fake bank statements and other documents to support

1 the fraudulent applications she and her associates submitted. and others,
 2 also created, used, and maintained multiple email accounts, sometimes using alias names,
 3 to perpetuate the fraudulent scheme. Upon receipt of the fraudulent proceeds, the
 4 Defendants quickly laundered the funds through cash withdrawals, wire transfers, and
 5 expensive purchases.

6 **B. Background**

7 4. ***Emergency Rental Assistance.*** In response to millions of Americans
 8 facing deep rental debt, fear of evictions, and the loss of basic housing security as a result
 9 of the COVID-19 pandemic, the U.S. Department of Treasury's Emergency Rental
 10 Assistance program provided funding directly to state and local governments to assist
 11 households that were unable to pay rent or utilities. From March 2021 through 2022,
 12 Treasury's Emergency Rental Assistance program allocated over \$900 million to
 13 Washington State and local governments, including King County. The Washington
 14 Department of Commerce received and administered the state's federal funds by
 15 providing grants to county governments and non-profit organizations to support the
 16 homeless crisis response systems in the state. In King County, the Department of
 17 Community and Human Services distributed over \$300 million in direct federal funds and
 18 state grants to approximately 30,000 King County households through EPRAP. Non-
 19 Profit Organization 1, which is based in Seattle, also received over \$5 million in
 20 federally-funded rental assistance grants from the Washington Department of Commerce
 21 and distributed the funds to approximately 700 households.

22 5. To qualify for rental assistance, the household must have been low-income,
 23 experiencing financial hardship due to the COVID-19 pandemic, and been at risk of
 24 experiencing homelessness or currently experiencing housing instability. Tenants and
 25 landlords could receive up to 12 months of rental assistance (nine months back or current
 26 rent and three months advance). The administering agencies acknowledged that there
 27

1 was insufficient funding to help every household who qualified, thus, the screening
 2 criteria was intended to target those most likely to become homeless but for the
 3 assistance.

4 6. At all times relevant to this Indictment, in King County, a landlord could
 5 initiate an application for EPRAP assistance by submitting a delinquent tenant's
 6 information, and the tenant and landlord could submit self-attestation forms to document
 7 eligibility. Landlords were also required to submit W-9 forms and, upon request,
 8 evidence of a lease or ledger. After EPRAP calculated the final assistance amount,
 9 landlords received an EPRAP agreement by email that they were required to sign and
 10 return via DocuSign using interstate wire transmissions. The agreement certified that the
 11 signee was authorized to accept the emergency rental assistance payment in satisfaction
 12 of rent owed by a tenant.

13 7. King County initiated payment of the EPRAP funds by using an interstate
 14 wire to upload payment information to a bank server located outside Washington State.
 15 EPRAP funds were disbursed to landlords via checks or ACH payments using interstate
 16 wire transmissions.

17 8. Non-Profit Organization 1 followed a similar application process for
 18 distributing rental assistance to community members by requiring a Rent Payment
 19 Agreement signed by the landlord and tenant and a W-9 from the landlord. Applicants
 20 also submitted ledgers and leases. In at least some cases, assistance was disbursed by
 21 check to the landlords.

22 9. ***Paycheck Protection Program.*** PPP was a COVID-19 pandemic relief
 23 program administered by SBA that provided forgivable loans to small businesses for job
 24 retention and certain other expenses. The PPP permitted participating third-party lenders
 25 to approve and disburse SBA-backed PPP loans to cover payroll, fixed debts, utilities,
 26 rent/mortgage, accounts payable and other bills incurred by qualifying businesses during
 27

1 and resulting from the COVID-19 pandemic. PPP loans were fully guaranteed by the
 2 SBA. In the event of default, SBA will fully satisfy the lender for any balance remaining
 3 on the loan. Further, SBA will forgive any loan up to 100 percent if the borrower uses
 4 the funds for specified purposes.

5 10. To obtain a PPP loan, a qualifying business, which included certain sole
 6 proprietorships, had to submit a PPP loan application, which was signed by an authorized
 7 representative of the business. The PPP loan application required the business (through
 8 its authorized representative) to acknowledge the program rules and make certain
 9 affirmative certifications to be eligible to obtain the PPP loan, including that the business
 10 was in operation on February 15, 2020 and either had employees for whom it paid
 11 salaries and payroll taxes or paid independent contractors. A business applying for a PPP
 12 loan was required to provide documentation showing its payroll expenses, such as filed
 13 federal income tax documents.

14 11. Individuals who operated a business under a “sole proprietorship” business
 15 structure were also eligible for a PPP loan. To qualify for such a PPP loan, individuals
 16 had to report and document their income and expenses from the sole proprietorship, as
 17 typically reported to the Internal Revenue Service on a “Form 1040, Schedule C,” for a
 18 given tax year. As with other PPP loans, this information and supporting documentation
 19 was used to calculate the amount of money the individual was entitled to receive under
 20 the PPP. The maximum loan amount for a sole proprietorship with no employees was
 21 approximately \$20,833.

22 12. At all times relevant to this Indictment, PPP loan documents were
 23 electronically submitted or caused to be submitted by the borrower to a third-party lender
 24 service provider, which did not have any servers in Washington State. The borrower
 25 signed the loan documents using DocuSign, which has servers within and outside
 26 Washington State, and data for a single customer could reside in multiple locations. The
 27

1 third-party lender service provider accessed the signed loan documents and caused those
 2 documents to be sent to a third-party lender that did not have any servers located within
 3 Washington State. Therefore, every PPP loan document relevant to this Indictment and
 4 initiated online from Washington State, resulted in an interstate wire communication that
 5 originated in Washington State and traveled to another state.

6 13. Once approved, the business received the PPP loan proceeds via an
 7 electronic funds transfer from the third-party lender to a financial account under the
 8 control of the business. The proceeds of a PPP loan could be used for certain specified
 9 items, such as payroll costs, costs related to the continuation of group health care
 10 benefits, or mortgage interest payments. The proceeds of a PPP loan were not permitted
 11 to be used by the borrowers to purchase consumer goods, automobiles, personal
 12 residences, clothing, jewelry, to pay the borrower's personal federal income taxes, or to
 13 fund the borrower's ordinary day-to-day living expenses unrelated to the specified
 14 authorized expenses.

15 14. ***Economic Injury Disaster Loan Program.*** SBA also administers the EIDL
 16 Program, which provides low-interest financing to small businesses and non-profit
 17 organizations in regions affected by declared disasters. In March 2020, the Coronavirus
 18 Aid, Relief, and Economic Security (CARES) Act authorized the SBA to provide EIDLs
 19 of up to \$2 million to eligible small businesses experiencing substantial financial
 20 disruption due to the COVID-19 pandemic. The CARES Act and subsequent legislation
 21 also authorized the SBA to issue advances of up to \$10,000 to small businesses within
 22 three days of applying for an EIDL. EIDL Advances did not have to be repaid. EIDL
 23 funds can be used for payroll expenses, sick leave, production costs, and business
 24 obligations, such as debts, rent, and mortgage payments.

25 15. A qualifying business, which could include sole proprietorships, that
 26 applied for an EIDL had to submit an application to the SBA and provide information
 27

1 about its operations, such as the number of employees, gross revenues for the 12-month
 2 period preceding the disaster, and cost of goods sold in the 12-month period preceding
 3 the disaster. The applicant had to certify that all of the information in the application was
 4 true and correct to the best of the applicant's knowledge.

5 16. Applicants submitted EIDL applications online directly to the SBA for
 6 processing. SBA directly disbursed EIDL funds to an account identified by the applicant.
 7 In all instances relevant to this Indictment, when an applicant submitted an COVID-19
 8 EIDL application online, SBA received it at a server outside Washington State.
 9 Therefore, every COVID-19 EIDL application relevant to this Indictment and submitted
 10 online from Washington State, resulted in an interstate wire communication that
 11 originated in Washington State and traveled to another state.

12 17. ***COVID-19 Unemployment Benefits.*** The CARES Act also provided
 13 federal funding to expand unemployment benefits eligibility and increased benefits,
 14 including the Pandemic Unemployment Assistance Program (PUA), Federal Pandemic
 15 Unemployment Compensation (FPUC), and the Lost Wages Assistance Program
 16 (LWAP). These benefits were administered through a joint state and federal program that
 17 provided monetary benefits to eligible beneficiaries. Unemployment benefits were
 18 intended to provide temporary financial assistance to lawful workers who were
 19 unemployed through no fault of their own.

20 18. CARES Act unemployment benefits were funded by the United States
 21 government through the Department of Labor and administered at the state level by state
 22 agencies known as state workforce agencies. Generally, applicants could submit
 23 applications for benefits online to state workforce agencies. Applicants had to answer
 24 specific questions to establish eligibility to receive benefits, including their name, social
 25 security number, and mailing address, among other things. Applicants also had to self-

1 certify that they met a COVID-19-related reason for being unemployed, partially
2 employed, or unable to work.

3 19. Emergency Rental Assistance, EIDL, PPP funds, and CARES Act
4 unemployment benefits were authorized, transferred, disbursed, and paid in connection
5 with a nationwide emergency declared by Presidential Proclamation 9994 (effective as of
6 March 1, 2020) and a Presidential declaration of a major disaster for the State of
7 Washington concerning the COVID-19 pandemic that was issued on March 22, 2020.

8 | C. The Scheme and Artifice to Defraud

9 20. Beginning on or about April 4, 2020, and continuing until at least on or
0 about February 11, 2022, in King County, within the Western District of Washington,
1 and elsewhere, Defendants

2 JAHRI ASAD CUNNINGHAM,

and others, knowingly devised a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations and the concealment of material facts.

6 21. The essence of the scheme and artifice to defraud was to fraudulently
7 obtain federally-funded pandemic-related benefits and assistance by submitting
8 fraudulent applications, documents, and/or claims to administering government agencies
9 and financial institutions and/or lenders. The scheme and artifice to defraud occurred in
0 relation to, and involved, benefit payments authorized, transmitted, transferred,
1 disbursed, and paid in connection with a presidentially-declared major disaster and
2 emergency.

3 | D. Manner and Means

The following conduct was part of the scheme and artifice to defraud:

1 others to use their true identities and aliases, to pose fraudulently as landlords for
 2 property located within King County, and to obtain rental assistance for non-existent
 3 tenants. Defendants created and used multiple email accounts and Voice over Internet
 4 Protocol (VoIP) phone numbers in furtherance of the scheme. Defendants created and
 5 used fake rental agreements, ledgers, and other documents to support the fraudulent
 6 applications. Defendants impersonated and directed others to impersonate fictitious
 7 tenants and landlords when EPRAP staff contacted them by phone, text, or email. At all
 8 times relevant to this Indictment, the owners of the King County properties listed on the
 9 EPRAP applications were owned by individuals or entities who were not the Defendants
 10 or their aliases. In fact, none of the Defendants owned any property in King County, nor
 11 were they the tenants they impersonated.
 12 received kickback payments for applications they submitted on behalf of other fictitious
 13 landlords. and others, paid kickbacks for the applications she
 14 submitted using their identities.

15 23. For example, on or about September 27, 2021, instructed
 16 how to impersonate a landlord on a fraudulent EPRAP application she
 17 submitted and discussed the kickback payment she expected:

Sender	Text Message
	I just gave this place your number Your my landlord lol Behind 6 months Lol I'll give you 3k lol [REDACTED ADDRESS] Seattle WA 98178 Rent is 2200
	And next month is coming up on the 5th lol 😂 so really 7 months
	Yeah and they pay 3 months ahead
	So that's 10 months Lol 😂
	Yeah lol
	That's 22,000 I need 5k minimum lol 😂

Lol I got you free bands lol

Lol when did you say rent is due

3rd
They won't ask that tho
Just for your email

Oh ok coo

This is your email
[Email Address 1]

No
[REDACTED EMAIL ADDRESS]
Use that one I sent you lol
I have that one from last time

Oh ok coo
I'll give them that email

24. Approximately one week after the texts, on or about October 4, 2021, business checking account received \$21,450 in EPRAP funds for a fictitious tenant named Laura Johnson who allegedly lived at the Seattle address referenced in the communications.

25. When EPRAP funds began to run low in January 2022, Defendants learned that program staffers were prioritizing applications from tenants who had received eviction notices. In response, in at least one instance, CUNNINGHAM represented that he evicted fictitious tenants with the intention of expediting the processing and payment of his EPRAP applications.

26. In total, between on or about August 27, 2021, and February 11, 2022, Defendants and others submitted over 78 EPRAP applications, seeking over \$2.8 million and obtaining over \$2.7 million in federal Emergency Rental Assistance funds by executing the scheme and artifice to defraud. Non-Profit Organization 1 also disbursed approximately \$29,000 in rental assistance funds to [REDACTED] posing as a landlord.

27. In addition to the kickback payments received from her associates and co-defendants, received more than \$740,000 in EPRAP funds posing as a landlord on at least 21 EPRAP applications. received more than

1 \$250,000 in EPRAP funds posing as a landlord on at least seven ERPAP applications.
 2 CUNNINGHAM sought more than \$225,000 in EPRAP funds for at least five EPRAP
 3 applications and successfully obtained approximately \$125,000 after \$100,000 was
 4 recalled. In addition to kickback payments received from her associates,
 5 received more than \$150,000 from at least five ERPAP applications. In
 6 addition to kickback payments received from his associates,
 7 received more than \$183,000 from at least five EPRAP applications.

8 28. Defendants withdrew large sums of fraudulent Emergency Rental
 9 Assistance funds as cash. used over \$90,000 in cash and wire transferred
 10 funds, from the proceeds and kickbacks she received, to buy a 2018 Range Rover sport
 11 utility vehicle and a 2017 Lexus ES Sedan. At least in part to conceal the illegal source
 12 of the funds, CUNNINGHAM,
 13 withdrew large sums of the proceeds as cash for various purposes, including paying
 14 kickback payments to in the form of cash that could not be traced through
 15 the banking system.

16 29. EIDL. Beginning no later than June 25, 2020, until at least on or about
 17 August 17, 2021, CUNNINGHAM,
 18 together with those known and unknown, submitted or authorized to submit
 19 at least 35 fraudulent EIDL applications to SBA using the identities of themselves and
 20 others, seeking a total of approximately \$3.7 million. SBA approved and disbursed funds
 21 for two of these fraudulent applications, paying out approximately \$300,000 using
 22 interstate wire transmissions. For a third application in identity, SBA
 23 disbursed a \$1,000 EIDL Advance.

24 30. CUNNINGHAM,
 25 and others, submitted or authorized the submission of knowingly fraudulent EIDL
 26 applications in their identities as sole proprietorships. In many instances, in exchange for
 27

1 facilitating and submitting the fraudulent applications, the individuals agreed to pay
 2 a kickback upon receipt of the funds.

3 31. Many of the individuals, including CUNNINGHAM and [REDACTED] are
 4 relatives or close associates. Defendants CUNNINGHAM and [REDACTED]
 5 and others, would provide [REDACTED] with personal identifying information and bank
 6 account numbers to receive the funds. [REDACTED] and others, would enter false
 7 business information, such as gross revenue and costs of goods and submit the
 8 applications to SBA using interstate wire transmissions.

9 32. [REDACTED] also submitted at least three fraudulent EIDL applications to
 10 SBA using her own identity.

11 33. [REDACTED] maintained multiple email accounts and repeatedly used the
 12 same four email addresses—Email Address 1 (which was also subsequently used on
 13 EPRAP applications), Email Address 2, Email Address 3, and Email Address 4—for at
 14 least 29 EIDL applications. Email Address 1 was used for at least 12 applications,
 15 including one in [REDACTED] identity. Email Address 2 was used for at least three
 16 applications, including one in [REDACTED] identity. Email Address 3 was used for at
 17 least nine applications, including ones in [REDACTED] and CUNNINGHAM’s identities.
 18 Email Address 4 was used for at least five applications.

19 34. [REDACTED] submitted multiple fraudulent applications with identical or
 20 strikingly similar business information. All of the applicants claimed to be sole
 21 proprietorships, and most of the business or trade names followed the naming convention
 22 of using the accomplice’s first name followed by “LLC.” For instance, the trade name
 23 for JAHRI CUNNINGHAM’s fraudulent EIDL application was “JahriLLC.” Most of the
 24 fictitious entities, including those of [REDACTED] CUNNINGHAM, and
 25 claimed to provide hair and nail services.

35. Four of the applications claimed to have the exact same amount in gross revenues—\$1,347,232. An additional three applications also claimed approximately \$1.347 million in gross revenues but had slightly different amounts for the last three digits. In all seven instances, the cost of goods sold were approximately \$50,000, with three of the applications stating the exact same cost of \$49,323. These three applications were all submitted within 35 minutes on July 13, 2020, using the following three business trade names: “Salon LLC,” “Salon LLC,” and “SalonLLC.”

36. PPP. Between on or about April 10, 2021 and May 23, 2021, after Congress authorized a third and final round of PPP funding, along with and others, submitted at least 13 fraudulent PPP applications to lenders who then transmitted the loan files to SBA using interstate wire transmissions, seeking a total of approximately \$253,000. In exchange for facilitating and submitting the fraudulent applications, the individuals agreed to pay a kickback upon receipt of the funds.

37. At least 11 of the identities used for fraudulent EIDL applications were also used for fraudulent PPP applications, and all claimed to be sole proprietorships. However, this time, instead of claiming to provide hair and nail services, most of the PPP applications falsely claimed that the individuals were sole proprietorships that began providing food delivery services on January 1, 2020.

38. also submitted at least two fraudulent PPP applications using aliases of her own identity.

39. In multiple instances, created fictitious bank statements to submit in support of the loan applications.

40. used the fraudulent PPP proceeds and kickbacks she obtained to fund luxury shopping sprees and travel, including a trip to Miami in June 2021 during which she rented a Lamborghini.

1 41. **Unemployment Benefits.** Between on or about April 4, 2020, until at least
 2 on or about August 7, 2021, along with CUNNINGHAM, and
 3 others, conspired to submit fraudulent applications to various state workforce agencies
 4 for pandemic unemployment benefits, using their true identities and the identities of
 5 others.

6 **E. Execution of the Scheme and Artifice to Defraud.**

7 42. On or about the dates set forth below, in King County, within the Western
 8 District of Washington, and elsewhere, for the purpose of executing and attempting to
 9 execute this scheme and artifice to defraud, the defendants specified in each Count, and
 10 others, aiding and abetting each other, did knowingly transmit and cause to be
 11 transmitted, by wire communication in interstate and foreign commerce, the following
 12 writings, signs, signals, pictures and sounds, each transmission of which constitutes a
 13 separate count of this Indictment:

Count	On or About Date	Defendant(s)	Wire
1	July 1, 2020		Interstate wire originating in Washington to an SBA server outside Washington to submit EIDL application for “Barber” using identity
2	July 13, 2020		Interstate wire originating in Washington to an SBA server outside Washington to submit EIDL application for “Salon LLC” using L.B.’s identity
3	July 12, 2020		Interstate wire originating in Washington to an SBA server outside Washington to submit EIDL application for “Cut N Up” using identity

Count	On or About Date	Defendant(s)	Wire
4	August 6, 2020		Interstate wire originating in Washington to an SBA server outside Washington to submit EIDL application for “ArthurLLC” using A.W.’s identity
5	August 7, 2020	CUNNINGHAM	Interstate wire originating in Washington to an SBA server outside Washington to submit EIDL application for “JahrILLC” using CUNNINGHAM’s identity
6	April 29, 2021		Interstate wire originating in Washington to third-party lender service provider server outside Washington to upload supporting bank statement for fraudulent PPP loan application in Sh.W.’s identity
7	May 14, 2021		Interstate wire originating in Washington to server outside Washington to transmit signed PPP loan documents for loan in identity
8	May 27, 2021		Interstate wire originating in Washington to server outside Washington to transmit signed PPP loan documents for loan in J.K.’s identity
9	November 19, 2021		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$83,280 into bank account for EPRAP landlord ‘
10	November 19, 2021		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$76,308 into s bank account for EPRAP landlord “

Count	On or About Date	Defendant(s)	Wire
11	November 12, 2021		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$33,300 into] bank account for EPRAP landlord “I”
12	December 10, 2021		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$41,160 into ; bank account for EPRAP landlord ‘
13	December 30, 2021	CUNNINGHAM	Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$88,260 into CUNNINGHAM’s bank account for EPRAP landlord “Minah Cunningham”
14	January 21, 2022		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$41,580 into A.H.’s bank account for EPRAP landlord A.H.
15	January 21, 2022		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$86,520 into business bank account for EPRAP landlord ‘
16	January 21, 2022	CUNNINGHAM	Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$37,340 into CUNNINGHAM’s bank account for EPRAP landlord “Ale Cartel”

Count	On or About Date	Defendant(s)	Wire
17	January 21, 2021		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$80,100 into bank account for EPRAP landlord
18	January 28, 2022		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$72,900 into business bank account for EPRAP landlord
19	January 28, 2022		Interstate wire originating in Washington to bank server outside Washington to initiate payment of \$216,825 into bank account for EPRAP landlord

All in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 20-24

(Money Laundering—Concealment)

43. The Grand Jury incorporates by reference Paragraphs 1 through 42 of this Indictment as if fully set forth herein.

44. On or about the dates listed below, in King County, within the Western District of Washington, the Defendants specified below did knowingly conduct, and attempt to conduct, financial transactions affecting interstate and foreign commerce which involved the proceeds of some unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343.

45. When the defendants conducted and attempted to conduct these transactions, they knew that the transactions were designed in whole or in part to conceal

1 and disguise the nature, source, ownership, and control of the proceeds of the specified
 2 unlawful activity, and while conducting and attempting to conduct the transactions, knew
 3 that the financial transactions represented the proceeds of some form of unlawful activity.

4 46. Each of the transactions listed below represents an additional count of this
 5 Indictment:

Count	Defendant	On or About Date	Financial Transaction	Amount
20		November 15, 2021	Second of two cash withdrawals from KeyBank account	\$5,000
21		November 24, 2021	Cash withdrawal from Bank of America account	\$10,000
22		December 24, 2021	Cash withdrawal from BECU business bank account	\$9,700
23		January 24, 2022	Cash withdrawal from PMorgan Chase Bank account	\$20,000
24	CUNNINGHAM	January 26, 2022	Second of two cash withdrawals from CUNNINGHAM's JPMorgan Chase account	\$1,000

20 All in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.
 21

COUNTS 25-26

(Money Laundering—Spending)

22 47. The Grand Jury incorporates by reference Paragraphs 1 through 46 of this
 23 Indictment as if fully set forth herein.

24 48. On or about the dates listed below, in King County, within the Western
 25 District of Washington, Defendant did knowingly and willfully engage in a
 26
 27

1 monetary transaction affecting interstate commerce, in criminally derived property of a
 2 value greater than \$10,000, that is, the withdrawal, deposit, and transfer of funds from
 3 and to the financial institutions identified below, such property having been derived from
 4 specified unlawful activity, that is wire fraud:

Count	Defendant	On or About Date	Monetary Transaction	Amount
25		November 22, 2021	Wire Transfer from Bank of America account to Auto Dealer 1's Wells Fargo account for 2017 Lexus ES Sedan	\$31,343.12
26		February 18, 2022	Cash payment to Auto Dealer 1 for a 2018 Range Rover Sport Utility Vehicle	\$60,000.00

12 All in violation of Title 18, United States Code, Sections 1957 and 2.

FORFEITURE ALLEGATIONS

14 The allegations contained in Counts 1–26 of this Indictment are hereby realleged
 15 and incorporated by reference for the purpose of alleging forfeiture.

16 Upon conviction of any of the offenses alleged in Counts 1–19,
 17 shall forfeit to the United States pursuant to Title 18, United
 18 States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section
 19 2461(c), any property that constitutes or is traceable to proceeds of the wire fraud scheme
 20 described above. This property includes, but is not limited to:

- 21 a. a judgment for a sum of money reflecting the proceeds the defendant obtained
 as a result of the wire fraud scheme;
- 22 b. one 2018 Range Rover Sport Utility Vehicle; and
- 23 c. one 2017 Lexus ES Sedan.

25 Upon conviction of either of the offenses alleged in Counts 25 and 26,
 26 shall forfeit to the United States pursuant to

Title 18, United States Code, Section 982(a)(1), any property involved in the offense or traceable to such property. This property includes, but is not limited to:

- a. one 2018 Range Rover Sport Utility Vehicle; and
- b. one 2017 Lexus ES Sedan.

Upon conviction of any of the offenses alleged in Counts 3, 7, 15, 18, and 19,

shall forfeit to the United States pursuant to Title 18,

United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property that constitutes or is traceable to proceeds of the wire fraud scheme described above. This property includes, but is not limited to, a judgment for a sum of money reflecting the proceeds the defendant obtained as a result of the wire fraud scheme.

Upon conviction of the offense alleged in Count 23,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(1), any property involved in the offense or traceable to such property.

Upon conviction of any of the offenses alleged in Counts 5, 13, and 16, JAHRI ASAD CUNNINGHAM shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any property that constitutes or is traceable to proceeds of the wire fraud scheme described above. This property includes, but is not limited to, a judgment for a sum of money reflecting the proceeds the defendant obtained as a result of the wire fraud scheme.

Upon conviction of the offense alleged in Count 24, JAHRI ASAD CUNNINGHAM shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(1), any property involved in the offense or traceable to such property.

1 Upon conviction of any of the offenses alleged in Counts 10, 12, and 14,
 2 shall forfeit to the United States pursuant to Title 18, United States
 3 Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any
 4 property that constitutes or is traceable to proceeds of the wire fraud scheme described
 5 above. This property includes, but is not limited to, a judgment for a sum of money
 6 reflecting the proceeds the defendant obtained as a result of the wire fraud scheme.

7 Upon conviction of the offense alleged in Count 21,
 8 shall forfeit to the United States pursuant to Title 18, United States Code, Section
 9 982(a)(1), any property involved in the offense or traceable to such property.

10 Upon conviction of any of the offenses alleged in Counts 1, 11, and 17,
 11 shall forfeit to the United States pursuant to Title 18, United
 12 States Code, Section 981(a)(1)(C), by way of Title 28, United States Code, Section
 13 2461(c), any property that constitutes or is traceable to proceeds of the wire fraud scheme
 14 described above. This property includes, but is not limited to, a judgment for a sum of
 15 money reflecting the proceeds the defendant obtained as a result of the wire fraud
 16 scheme.

17 Upon conviction of the offense alleged in Count 20,]
 18 shall forfeit to the United States pursuant to Title 18, United States Code,
 19 Section 982(a)(1), any property involved in the offense or traceable to such property.

20 Upon conviction of the offenses alleged in Counts 15, 18, and 19,
 21 shall forfeit to the United States pursuant to Title 18, United States Code,
 22 Section 981(a)(1)(C), by way of Title 28, United States Code, Section 2461(c), any
 23 property that constitutes or is traceable to proceeds of the wire fraud scheme described
 24 above. This property includes, but is not limited to, a judgment for a sum of money
 25 reflecting the proceeds the defendant obtained as a result of the wire fraud scheme.

1 Upon conviction of the offense alleged in Count 22,
2 shall forfeit to the United States pursuant to Title 18, United States Code, Section
3 982(a)(1), any property involved in the offense or traceable to such property.

4 **Substitute Assets.** If any of the above-described forfeitable property, as a result
5 of any act or omission of the defendants,

- 6 a. cannot be located upon the exercise of due diligence;
- 7 b. has been transferred or sold to, or deposited with, a third party;
- 8 c. has been placed beyond the jurisdiction of the Court;
- 9 d. has been substantially diminished in value; or,
- 10 e. has been commingled with other property which cannot be divided
11 without difficulty,

12 it is the intent of the United States to seek the forfeiture of any other property of the

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1 defendant, up to the value of the above-described forfeitable property, pursuant to
2 Title 21, United States Code, Section 853(p).

3
4 A TRUE BILL: ✓
5
6

7 DATED: May 31, 2023
8
9

10 Signature of Foreperson redacted pursuant
11 to the policy of the Judicial Conference of
12 the United States.
13

14 FOREPERSON
15
16

17 NICHOLAS W. BROWN
18 United States Attorney
19

20 SETH WILKINSON
21 Assistant United States Attorney
22

23 CINDY CHANG
24 Assistant United States Attorney
25
26
27